REMARKS

The examiner's action dated May 23, 2008, has been received, and its contents carefully noted.

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REQUEST FOR CONSIDERATION OF CITED REFERENCES

It is noted that the copy of the prior art listing filed on August 22, 2006, was returned to us with two references lined through, indicating that they had not been considered. According to the records of undersigned counsel, copies of those references were filed with the corresponding IDS, and each of those references is in the English language. For the examiner's assistance, submitted herewith are further copies of those references.

It asked that the examiner provide another copy of the reference listing, showing that those references have been considered, or that the examiner advise undersigned as to why those references have not been considered.

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The indication of substantive allowability of claims 18, 20 and 21 is noted with appreciation. However, since it is believed that the invention disclosed in the present application is entitled to broader protection, claims 18, 20 and 21 have been retained in dependent form, claim 1 has been

amended to eliminate the informalities noted by the examiner and to more clearly define the contribution of the invention over the prior art, and new claims 23-26 have been added to further define the contribution of the invention over the prior art.

The claims have all been reviewed and amended, where necessary, in response to the formal rejections presented at the top of page 2 of the action. In accordance with the examiner's suggestion, the term "conformation" has been replaced by -depression-. Claim 6 has been cancelled and claim 7 has been amended to eliminate the recitation considered by the examiner to be indefinite, which recitation was not necessary to define the present invention over the prior art. Claim 20 has been amended to recite, as the examiner has suggested, a deformity that extends into the at least one recess.

Claim 21 has been amended to specify that the perforated plate has a peripheral deformation (30) extending between the at least two parts (5). As the examiner correctly notes, the illustrated embodiment of the invention does have two such deformations, each deformation extending between the two parts (5). It is believed that the specification clearly supports the recitation of one such deformation, since each of the deformations does extend between the two parts (5).

It is therefore requested that the formal rejections of the claims be reconsidered and withdrawn.

The rejections of the claims as anticipated by the '053 patent, or as unpatentable over that reference in view of further references are respectfully traversed.

The present invention is directed to an improved cooking element for a steam cooker that overcomes a number of deficiencies of prior art elements of this type.

Such cooking elements necessarily include perforations to allow cooking liquids to drain away from the food. However, it is common practice in the prior art to provide perforations in a form that brings the food being cooked into contact with sharp edges of the perforations, to which the food may stick, rendering removal of the cooked food from the food support surface more difficult.

Moreover, it is desirable, for various reasons, to make the perforated bottom of a cooking element as thin as possible. However, of course, as the thickness of the plate is reduced, it becomes less rigid, and thus less well adapted to supporting the food, particularly when the plate is being removed from its associated side wall.

The present invention provides an improvement, with respect to the above-described features, by providing a food support plate having one or more depressions, at least one of

which is elongated in a circumferential direction about the center, the depressions being distributed across the plate such that in every radial section the perforated plate has at least one depression disposed transversely relative to the radial section. In further accordance with the invention, each of the perforations is formed in the bottom of a respective depression.

These depressions serve to increase the rigidity of the plate, thus allowing its thickness to be reduced. In addition, by providing each perforation in the bottom of a respective depression, food place on the food support surface is maintained out of contact with the edges of the perforations, thus preventing the food from coming into contact with, and sticking at, the edges of the perforations.

It is submitted that these features are not, in fact, disclosed in the '053 patent. The plate 2 shown in, for example, Figure 1 of the reference has many perforations 20, 21, 23 and 24. Clearly, perforations 20, 23 and 24 are not associated with depressions, or deformations. This mean that those perforations give rise to the sticking problem described above and are not surrounded by regions that would enhance the rigidity of the plate.

It appears from the drawings of this patent that perforations 21 are formed in recesses created in plate 2. It

is noted, however, that this is not mentioned in the patent specification. Moreover, when considering the appearance of these recesses in Figure 1 and the illustration of plate 2 in Figure 4, one can only conclude that these recesses are formed in the plate by machining, rather than deformation of the plate. It follows that these recesses would reduce, and not increase the rigidity of the plate.

Moreover, these recesses are not distributed across the plate such that in every radial section, the plate has at least one recess disposed transversely relative to the radial section, as is now defined in claim 1.

Furthermore, claim 1 specifies that each of the perforations in the plate is formed in the bottom of a respective depression and this is clearly untrue with regard to the embodiment shown in Figure 1 of the reference.

As regards the embodiment shown in Figures 3a and 3b of the reference, it is submitted that one skilled in the art would understand that those figures do not illustrate all of the perforations provided in plate 2. Firstly, there is no mention in the patent specification that orifices 21 are the only orifices, or perforations, in the plate. The plate shown in Figures 3a and 3b bears the same reference numeral as the plates shown Figure 1 and it is generally understood that the same reference numeral can properly be used only to illustrate

the same component. Indeed, those skilled in art would readily understand that the number of orifices 21 shown in Figures 3a and 3b would not be adequate to provide a satisfactory food support surface or a steam cooker.

In any event, Figures 3 of the reference do not disclose a plate having depressions distributed such that in every radial section the plate has at least one depression disposed transversely relative to the radial section.

The depressions defined in claim 25 clearly differ structurally from the recesses that one might understand to be shown in the drawings of the '053 reference in the following respect. Claim 25 specifies that these depressions are formed by deforming the food support surface of the plate. The best that could be understood from the drawings of the '053 patent is that recesses are formed by machining. It is submitted that depressions formed by deforming a plate differ structurally from the recesses disclosed in the applied reference. This is apparent, for example, from the fact that the thickness of the plate is advantageously less than 1.5 mm (specification, page 10, lines 10-16), while the depth of the depressions is about 3.5 to 4 mm (specification, page 11, line 28. Obviously, recesses machined in the plate 2 shown in the applied reference cannot be deeper than the thickness of the plate. In addition, the depressions in a plate according to

the present invention can be obtained by stamping (specification, page 3, line 21), with the result that the depressions will have the same wall thickness as the food support surface of the plate, and will thus be able contribute to the rigidity of the plate. The machined recesses shown in the reference cannot contribute to the rigidity of the plate.

Thus, claim 1 clearly distinguishes patentably over the applied reference by its recitation that the food support surface is provided with at least one depression elongated in a circumferential direction about the center, with depressions being distributed across the plate such that in every radial section the perforated plate has at least one depression disposed transversely relative to the radial section, as well as by the recitation that each of the perforations is formed in the bottom of a respective depression.

New independent clam 25 distinguishes patentably over the applied reference by its recitation that the food support surface is deformed to provide a plurality of depressions that add rigidity to the plate and that are distributed across the plate such that in every radial section the perforated plate has at least one depression disposed transversely relative to the radial section, as well as by the recitation that each of the perforations is formed in the bottom of a respective one of the depressions. The recitation

that the depressions add rigidity to the plate is supported by the disclosure at a number of points in the specification, such as, for example, at page 4, lines 9-11.

The rejection of claims 2-5 is traversed at least for the reason that these claims depend from claim 1 and should be considered allowable along therewith.

The rejection of claims 6-16 is traversed for the reason that claims 7-16 depend, directly or indirectly, from claim 1, and should be considered allowable along therewith, and for the further reason that the secondary reference, U.S. patent number 5,069,198, does not disclose depressions having perforations in their bottoms, but instead discloses perforations formed by bending a plate in such a manner as to present sharp edges to which the food can stick. In the embodiments shown in both Figure 2 and Figure 3 of this reference, at least one edge of each perforation is located at an upper surface of the plate. Clearly, this reference does not disclose depressions, as that term was employed in the present application, and even more clearly does not disclose perforations in the bottoms of depressions.

In view of the foregoing, it is requested that the prior art rejections of record be reconsidered and withdrawn, that the pending claims be allowed and that the application be found in allowable condition.

If the above amendment should not now place the application in condition for allowance, the Examiner is invited to call undersigned counsel to resolve any remaining issues.

Respectfully submitted,

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